

Review of Draft Federal Regulations for Part C of IDEA

On June 11, 2007 several members of the SICC discussed the proposed federal regulations for Part C via conference phone call. This group generally agreed that the proposed regulations were more comprehensive and provided more substantive guidance than the previous Part C federal regulations. The following are proposed comments that the group determined should be considered for submission by the SICC during the public comment period. That period ends on July 23, 2007.

303.24: This requirement includes added language for the definition of multidisciplinary. The added language allows for "...one individual who is qualified in more than one discipline." The review committee had some concerns about reducing a multidisciplinary decision to one individual.

303.25(b): The committee was in support of the additional definition of "native language" for individuals with deafness or blindness or individuals with no written language. The term would mean "the mode of communication that is normally used by the individual (such as sign language, Braille or oral communication).

303.33(c): Adds language that allows the term "service coordination" to also mean case management as defined by other agencies (including Medicaid). The committee expressed concern that the term service coordination may be replaced with the term case management and they were not in support of that change. They believe that the two terms represent distinctively different services and that service coordination better fits early intervention.

303.111: This section states, "Each system must include the State's rigorous definition of developmental delay...." The committee believes that OSEP needs to define "rigorous" and not leave that definition up to the individual states.

303.210: The committee supported the requirement to address coordination with Head Start and Early Head Start, early education and child care programs in the state's application for federal funding under Part C.

303.303(a)(1): This section would permit but not require a state to adopt procedures for the screening of children to determine if the child is suspected of having a disability. The committee discussed support for this option but wanted OSEP to define who could conduct screenings.

303.320(e): This section addresses the timelines for evaluation and assessment prior to initiation of services. The new language requires the 45-day timeline to begin with "parental consent" for the evaluation. The committee recognized the need to adjust the timeline; however, had concerns about the proposed change. They recommended that if the requirement stayed as written, OSEP add language that places a "not to exceed" timeframe on the period between referral and initial IFSP meeting.

303.344(c): This requirement addresses a statement on the IFSP regarding measurable results or measurable outcomes expected to be achieved for the child. New language in the requirement says “including pre-literacy and language skills, as developmentally appropriate for the child...” The reviewers questioned this as an appropriate requirement for EI services and commented that a corresponding requirement does not exist in the Part B regulations for ECSE programming. They would like to see an additional explanation of this requirement from OSEP.

The following individuals participated as committee members: Val Lane, Leslie Elpers, Stacey Owsley, Kathryn Sapp, Amy Kessel and Joyce Jackman.